

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

DECEMBER 26, 2000

There were no minutes for this date.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

DECEMBER 27, 2000

- C033759 THE PEOPLE v. DUROSS (Not for Publication)**
We remand for the trial court to reduce count one to misdemeanor sexual battery and to resentence defendant accordingly. In all other respects, the judgment is affirmed.
RAYE, J.
We concur: Davis, Acting P.J.
 Kolkey, J.
- C035828 THE PEOPLE v. WERNICKE (Not for Publication)**
The five year serious felony enhancement imposed pursuant to section 667, subdivision (a), is stricken. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of said abstract to the Department of Corrections. In all other respects, the judgment is affirmed.
RAYE, J.
We concur: Davis, Acting P.J.
 Kolkey, J.
- C031879 THE PEOPLE v. VIGIL (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Davis, Acting P.J.
 Kolkey, J.
- C033266 THE PEOPLE v. COLOMBO (Not for Publication)**
The judgment is modified, as stated above, with respect to presentence credits in No. 98F04828 and presentence credits in No. 98F02562. As modified, the judgment is affirmed. The trial court is directed to prepare a new amended abstract of judgment (to replace the one dated January 6, 2000) in compliance with the views expressed herein and to forward a certified copy of the new amended abstract of judgment to the Department of Corrections.
MORRISON, J.
We concur: Sims, Acting P.J.
 Raye, J.

**COURT OF APPEAL
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The Minutes

DECEMBER 27, 2000, CONTINUED

C032738

HICKINBOTHAM BROTHERS v. FERRO UNION

(Not for Publication)

The judgment is reversed as to the misrepresentation and false promise causes of action, with their accompanying damages awards, and the case is remanded with instructions to the trial court to enter judgment against Hickinbotham on those causes of action. In all other respects, the judgment is affirmed. Ferro Union is awarded costs on appeal.

NICHOLSON, J.

We concur: Raye, J.
Morriosn, J.

C029931

KINCAID v. COUNTY OF SACRAMENTO

Appellant's petition for rehearing is denied.
SIMS, Acting P.J.

C029931

KINCAID v. COUNTY OF SACRAMENTO

Appellant's request to publish the opinion filed on November 27, 2000, is denied.

SIMS, Acting P.J.

C031677

THE PEOPLE v. SHELROWN

Appellant's petition for rehearing is denied.
BLEASE, Acting P.J.

DECEMBER 28, 2000

C035507

THE PEOPLE v. WARE

(Not for Publication)

The matter is remanded to the superior court with directions to afford defendant, within 60 days, the opportunity to withdraw his plea.

DAVIS, Acting P.J.

We concur: Nicholson, J.
Morrison, J.

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DECEMBER 28, 2000, CONTINUED

- C034863 THE PEOPLE v. BARKSDALE (Not for Publication)**
In accordance with People v. Minor (1980) 104 Cal.App.3d 194, we reverse the judgment and remand the case to the trial court with directions to hold a hearing at which defendant may present his reasons for requesting appointment of new counsel. If the trial court determines that good cause for appointment of new counsel has been shown, it shall appoint new counsel and conduct further proceedings. If no good cause is established, it shall reinstate the judgment.
 BLEASE, J.
We concur: Scotland, P.J.
 Sims, J.
- C031634 THE PEOPLE v. ROGER DALE RAY (Not for Publication)**
The judgment of conviction is affirmed. We modify the sentence as specified above and remand to the Placer County trial court with directions to prepare an amended abstract of judgment in conformity with the views we have expressed and to forward a certified copy to the California Department of Corrections.
 HULL, J.
We concur: Nicholson, Acting P.J.
 Kolkey, J.
- C031196 THE PEOPLE v. BURKE (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C034060 THE PEOPLE v. ROACH (Not for Publication)**
The judgment is affirmed.
 DAVIS, Acting P.J.
We concur: Nicholson, J.
 Morrison, J.
- C034870 THE PEOPLE v. KAUFMAN (Not for Publication)**
The judgment of conviction is affirmed. The sentence imposed is vacated and the matter is remanded to the trial court with directions to resentence defendant in accordance with the views expressed in this opinion.
 HULL, J.
We concur: Callahan, Acting P.J.
 Kolkey, J.

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DECEMBER 28, 2000, CONTINUED

- C032901** **THE PEOPLE v. MEJIA** **(Not for Publication)**
The judgment is affirmed.
 BLEASE, J.
We concur: Scotland, P.J.
 Sims, J.
- C032585** **THE PEOPLE v. BECKER** **(Not for Publication)**
The order denying defendant's petition for writ of mandate is affirmed.
 NICHOLSON, J.
We concur: Scotland, P.J.
 Hull, J.
- C032918** **BEAN v. PRATER** **(Not for Publication)**
C032122 The judgment is reversed and the matter remanded to the trial court with
 directions to vacate its order granting, and enter an order denying,
 defendants' motion for judgment on the pleadings. Plaintiff shall receive
 his costs on appeal.
 HULL, J.
We concur: Scotland, P.J.
 Morrison, J.
- C030053** **ONYON v. A. L. GILBERT CO.** **(Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur; Davis, Acting P.J.
 Raye, J.
- C036300** **In re TAUSHA R., et al., Minors**
Appellant's request for reinstatement of this appeal is granted. The
dismissal order of November 30, 2000, is vacated and the appeal
reinstated. It is further ordered that attorney John L. Dodd is relieved as
counsel for appellant. Good cause appearing, Mr. Brian R. shall
represent himself on appeal. If Mr. John L. Dodd is in possession of the
record on appeal, Mr. Dodd is directed to send the record to Brian R.
The request for reinstatement of the appeal is also treated as the
appellant's opening brief and, as such, the clerk of the court is directed
to file the document. The respondent's brief is to be served and filed on
or before January 18, 2001.
 SCOTLAND, P.J.

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The Minutes

DECEMBER 29, 2000

- C034738 THE PEOPLE v. GODBOULDT (Not for Publication)**
The judgment is affirmed. We have noticed a clerical error in the abstract of judgment. The trial court is directed to amend the abstract of judgment to reflect defendant's conviction for count two (section 422, threat to commit crime resulting in death or great bodily injury), and to send a copy of the amended abstract to the Department of Corrections.
DAVIS, J.
We concur: Sims, Acting P.J.
 Kolkey, J.
- C034780 THE PEOPLE v. BLANCETT (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Davis, Acting P.J.
 Kolkey, J.
- C035509 In re EVERETT S., Jr., et al., Minors (Not for Publication)**
The orders of the juvenile court are affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
 Nicholson, J.
- C036928 In re the Marriage of GORDON (Not for Publication)**
Appellant's motion to set aside the dismissal and reinstate the appeal is granted. The order of December 4, 2000, dismissing the appeal is vacated. Appellant is directed to forthwith designate the record on appeal and to furnish this court with evidence of having done so by January 8, 2001. The Butte County Clerk is hereby authorized to accept the designation and thereafter to proceed with preparation of the record on appeal.
SCOTLAND, P.J.